

# COMMITTEE AMENDMENT FORM

DATE: 06/15/ 05

COMMITTEE      ZONING      PAGE NUM. (S)

ORDINANCE I. D. #05-O-0750      SECTION (S)

RESOLUTION I. D. #05-R-`      PARA. CAPTION

AMEND THE LEGISLATION BY DELETING DISTRICT 5 AND REPLACE IT  
WITH DISTRICT 6.

AMENDMENT DONE BY COUNCIL STAFF 6/15/05

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Municipal Clerk  
Atlanta, Georgia

**05- 0 -0750**  
**U-05--09**

AN ORDINANCE  
BY: IVORY LEE YOUNG, JR.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of (Section 16-20B.004) (3) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a Real Estate Office is hereby approved. Said use is granted to D.K. Armstrong Properties, LLC. and is to be located at **1189 South Ponce de Leon Avenue, N.E.** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 241, 15<sup>th</sup> District, Dekalb County, Georgia, being more particularly described by the attached legal description.

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SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**Conditions for U-05-09 for 1189 Ponce de Leon Avenue, N.E.**

1. A site plan entitled "Site Improvement Plan REMAX Atlanta, Georgia" prepared by Reece Hoopes & Fincher, dated April 25, 2005 and marked received by the Bureau of Planning April 25, 2005.
2. This Special Use shall become null and void at the time Re/Max Metro Atlanta is no longer operating from the subject property.
3. No advertising or commercial signage to be visible from exterior (except to the extent sign consists of a stone monument and name of owner/user is chiseled in stone, with no coloration.
4. No ReMax or other trademarks to be displayed in color and be visible from the exterior.
5. No placards or banners visible from exterior.
6. No balloons visible from exterior
7. No flags or streamers visible from exterior.
8. No commercial truck traffic.
9. No trash dumpsters.
10. No offsite property and lots may be used to service this use in any way (including parking, trash, storage, etc.)
11. Adjoined lot on Fairview Road may not be used in any way to service this use (including parking, trash, storage, etc.)

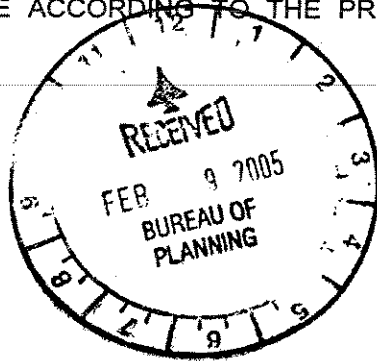
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12. Any new exterior lighting to be limited to gaslight.
13. No color changes to exterior of facility.
14. No expansion of existing improvements or parking areas.
15. No hire of facility for private parties.
16. No directional signage for parking.

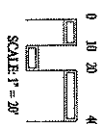
## EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 241 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, BEING LOT 1, BLOCK 2, OF THE DRUID HILLS SUBDIVISION, AS PER PLAT RECORDED AT PLAT BOOK 74, PAGE 159, DEKALB COUNTY, GEORGIA RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR FOUND ON THE EASTERN RIGHT OF WAY OF MORELAND AVENUE 200.23 FEET NORTH OF ITS INTERSECTION WITH THE NORTHERN RIGHT OF WAY OF FAIRVIEW ROAD; RUNNING THENCE ALONG THE EASTERN RIGHT OF WAY OF MORELAND AVENUE NORTH 03 DEGREES 50 MINUTES 46 SECONDS EAST 263.71 FEET TO AN IRON PIN SET; RUNNING THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 28.91 FEET, AN ARC DISTANCE OF 50.09 FEET TO AN IRON PIN SET ON THE SOUTHERN RIGHT OF WAY OF SOUTH PONCE DE LEON; RUNNING THENCE ALONG THE SOUTHERN RIGHT OF WAY OF SOUTH PONCE DE LEON SOUTH 77 DEGREES 01 MINUTES 14 SECONDS EAST 175.70 FEET TO A POINT; CONTINUING THENCE ALONG THE SOUTHERN RIGHT OF WAY OF SOUTH PONCE DE LEON, ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 2740.56', A CHORD DISTANCE OF 90.96 FEET TO A 1/2" REBAR FOUND; THENCE LEAVING THE SOUTHERN RIGHT OF WAY OF SOUTH PONCE DE LEON AND RUNNING SOUTH 05 DEGREES 52 MINUTES 54 SECONDS WEST 248.71 FEET TO A 1 1/5 SOLID PIPE; RUNNING THENCE NORTH 86 DEGREES 45 MINUTES 11 SECONDS WEST 143.37 FEET TO A 1" OPEN TOP PIPE; RUNNING THENCE NORTH 86 DEGREES 44 MINUTES 42 SECONDS WEST 144.76 FEET TO A 1/2" REBAR FOUND ON THE EASTERN RIGHT OF WAY OF MORELAND AVENUE AND THE POINT OF BEGINNING; ALL AS SHOWN ON PRELIMINARY PLAT FOR D. K. ARMSTRONG PROPERTIES, LLC BY SURVEY SYSTEMS AND ASSOC., INC, DATED FEBRUARY 3, 2005; AND BEING KNOWN AS 1189 PONCE DE LEON AVENUE ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN DEKALB COUNTY, GEORGIA.



U-05-09



44-50-50-N

ATLANTA, GEORGIA

1977-1980

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